

accomplished by that section. In any case in which he thinks it would be of advantage to the Indian or Eskimo occupants to have the lands occupied and claimed by them surveyed as town or village, he should bring the matter to the attention of the Director of the Bureau of Land Management with appropriate recommendation.

§ 80.23 *No payment, publication or proof required on entry for native towns.* In connection with the entry of lands as a native town or village under section 3 of the said act of May 25, 1926, no payment need be made as purchase money or as fees, and the publication and proof which are ordinarily required in connection with trustee town sites will not be required.

§ 80.24 *Provisions to be inscribed in restricted deeds.* The town-site trustee will note a proper reference to the act of May 25, 1926, on each deed which is issued under authority of that act and each such deed should provide that the title conveyed is inalienable except upon approval of the Secretary of the Interior, and that the issuance of the restricted deed does not subject the tract to taxation, to levy and sale in satisfaction of the debts, contracts, or liabilities of the transferee, or to any claims of adverse occupancy or law of prescription; also, if the established streets and alleys of the town site have been extended upon and across the tract, that there is reserved to the town site the area covered by such streets and alleys as extended. The deed should further provide that the approval by the Secretary of the Interior of a sale by the Indian or Eskimo transferee shall vest in the purchaser a complete and unrestricted title from the date of such approval.

§ 80.25 *Unrestricted deeds not to be issued.* The trustee shall not issue other than restricted deeds to Indians or other Alaskan natives.

§ 80.26 *Native towns occupied partly by white occupants.* (a) Native towns which are occupied partly by white lot occupants will be surveyed and disposed of under the provisions of both the act of March 3, 1891 (26 Stat. 1095, 1099), and the act of May 25, 1926 (44 Stat. 629).

(b) In each case of this kind the town site trustee will report the facts to the

Director of the Bureau of Land Management, showing the name and location of the town, the number of Indian or Eskimo lot occupants and the number of white lot occupants, the amount of land used or claimed by each and the approximate periods for which it has been used or claimed, the value of the improvements on the lands and by whom owned, and such other facts as he may deem appropriate.

(c) Upon receipt of such report, special instructions will be issued as to the procedure which should be followed with respect to the survey, entry, and disposal of the lands, assessment of costs, etc.

§ 80.27 *Forms.* The following forms have been issued for use in connection with the regulations under the act of May 25, 1926: (a) Application for deed by native Indian or Eskimo of Alaska, Form 4-231; (b) trustee's deed to native Indian or Eskimo of Alaska, Form 4-232; and (c) deed of native Indian or Eskimo of Alaska, Form 4-232a.

## Part 81—Trade and Manufacturing Sites

### SALE OF PUBLIC LANDS FOR TRADE AND MANUFACTURING SITES

Sec.	
81.1	Statutory authority.
81.2	Execution of application.
81.3	Qualifications of applicant.
81.4	Description of land in application.
81.5	Form of entry.
81.6	Facts to be shown in application.
81.7	Action on application by manager; report by regional administrator.
81.8	Application for survey; instructions.
81.9	Publication and posting; adverse claim.
81.10	Entry and final certificate.

**AUTHORITY:** §§ 81.1 to 81.10 issued under R. S. 2478; 43 U. S. C. 1201.

**SOURCE:** §§ 81.1 to 81.10 contained in Circular 491, February 24, 1928, except as noted following sections affected. For editorial changes not otherwise indicated, see Item 3 of Note following table of contents of chapter.

§ 81.1 *Statutory authority.* Section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U. S. C. 461) authorizes the sale at the rate of \$2.50 per acre of not exceeding 80 acres of land in Alaska possessed and occupied in good faith as a trade and manufacturing site.

§ 81.2 *Execution of application.*<sup>1</sup> Application for a trade and manufacturing site should be executed in duplicate and should be filed in the proper district land office. It need not be sworn to, but it must be signed by the applicant and must be corroborated by the statements of two persons.

§ 81.3 *Qualifications of applicant.* An application must show that the applicant is a citizen of the United States and 21 years of age, and that he has not theretofore applied for land as a trade and manufacturing site. If such site has been applied for and the application not completed, the facts must be shown. If the application is made for an association of citizens or a corporation, the qualifications of each member of the organization must be shown. In the case of a corporation, proof of incorporation must be established by the certificate of the officer having custody of the records of incorporation at the place of its formation and it must be shown that the corporation is authorized to hold land in Alaska.

§ 81.4 *Description of land in application.* If the land be surveyed, it must be described in the application according to legal subdivisions of the public-land surveys. If it be unsurveyed, the application must describe it by approximate latitude and longitude and otherwise with as much certainty as possible without survey.

§ 81.5 *Form of entry.* Claims initiated by occupancy after survey must conform thereto in occupation and application, but if the public surveys are extended over the lands after occupancy and prior to application, the claim may be presented in conformity with such surveys, or, at the election of the applicant, a special survey may be had.

§ 81.6 *Facts to be shown in application.* The application to enter must show:

(a) That the land is actually used and occupied for the purpose of trade, manufacture or other productive industry, when it was first so occupied, the char-

acter and value of the improvements thereon and the nature of the trade, business or productive industry conducted thereon and that it embraces the applicant's improvements and is needed in the prosecution of the enterprise. A site for a prospective business cannot be acquired under section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U. S. C. 461).

(b) That no portion of the land is occupied or reserved for any purpose by the United States or occupied or claimed by natives of Alaska; that the land is unoccupied, unimproved, and unappropriated by any person claiming the same other than the applicant.

(c) That the land does not abut more than 80 rods of navigable water.

(d) That at the date of the initiation of the claim, the land was not within a distance of 80 rods along any navigable water from any homesite or headquarter site authorized by the acts of March 3, 1927 and May 26, 1934 (44 Stat. 1364; 48 Stat. 809; 48 U. S. C. 461), or from any location theretofore made with soldiers' additional rights, or from a trade and manufacturing site, homestead, Indian or Eskimo allotment, or school indemnity selection. This showing, however, is not required where a petition for restoration, based on an equitable claim is filed with the application or the land has been restored from reservation.

(e) That the land is not included within an area which is reserved because of springs thereon. All facts relative to medicinal or other springs must be stated, in accordance with § 292.8 of this chapter.

(f) That no part of the land is valuable for coal, oil, gas, or other valuable mineral deposits and that at the date of the location no part of the land was claimed under the mining laws.

[Circ. 491, Feb. 24, 1928, modified to conform to E. O. 5106, May 3, 1929, as amended by Circ. 1700, 13 F. R. 6006]

§ 81.7 *Action on application by manager; report by regional administrator.*

(a) Upon receipt of the application, the manager will note its filing, assign a current serial number thereto and transmit the original copy, unallowed, together with the accompanying papers, to the regional administrator. The manager

<sup>1</sup> 18 U. S. C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

will forward the duplicate copy of the application to the Bureau of Land Management. With each copy the manager will report the status of the land as shown by his records.

(b) The report of the regional administrator will be made to the manager and it should show whether the lands contain valuable deposits of coal, oil, gas, or other minerals, whether they have power or reservoir possibilities, whether they are within an area which is reserved because of hot, medicinal, or other springs, and any other facts deemed appropriate.

[Circ. 491, Feb. 24, 1928; modified to conform to E. O. 5106, May 4, 1929]

§ 81.8 *Application for survey; instructions.* If the land applied for be unsurveyed and no objection to its survey is known to the manager, he will furnish the applicant with a certificate stating the facts, and, after receiving such certificate, the applicant may make application to the public survey office for the survey of the land. The manager will advise the public survey office of the issuance of the certificate, and, unless the applicant promptly makes application for the survey, the public survey office will report the facts to the regional administrator for such action as may be deemed proper. The instructions governing survey in connection with applications for soldiers' additional homestead entries, as set forth in §§ 61.13, 61.14 of this chapter, will be followed in connection with trade and manufacturing sites.

§ 81.9 *Publication and posting; adverse claim.* The instructions given in § 61.15 of this chapter, relative to publication and posting, adverse claims and proof of publication and posting in connection with applications for soldiers' additional homestead entries will be followed in connection with trade and manufacturing sites.

§ 81.10 *Entry and final certificate.* The application and proofs filed therewith will be carefully examined by the regional administrator, and, if all be found regular, the manager will be instructed to allow the application and to issue final certificate thereunder, upon payment for the land being made at the rate of \$2.50 per acre, and in the absence of objections shown by his records.

## Part 82—Waters

### LANDS CONTAINING HOT OR MEDICINAL SPRINGS Sec.

82.1 Withdrawal of lands.

82.2 Showing required as to springs.

### USE OF LANDS WITHDRAWN AS PUBLIC WATER RESERVES

82.3 Governing regulations.

### LEASING OF PUBLIC LANDS NEAR OR ADJACENT TO MINERAL, MEDICINAL, OR OTHER SPRINGS

82.4 Governing regulations.

AUTHORITY: §§ 82.1 to 82.4 issued under R. S. 2478; 43 U. S. C. 1201.

### LANDS CONTAINING HOT OR MEDICINAL SPRINGS

§ 82.1 *Withdrawal of lands.* Every smallest legal subdivision of the public land surveys in Alaska which is vacant, unappropriated and unreserved public land and contains hot springs, or a spring the waters of which possess curative properties; and all land in the Territory within one-quarter of a mile of every such springs located on unsurveyed public land were, as of August 20, 1947, withdrawn from settlement, location, sale or entry and reserved for lease under the provisions of the act of March 3, 1925 (43 Stat. 1133), subject to valid existing rights.<sup>1</sup>

[Circ. 1661, 12 F. R. 7141]

§ 82.2 *Showing required as to springs.* An applicant to enter or select public lands in Alaska situated outside of national forests must furnish a duly corroborated statement as to hot or medicinal springs, in accordance with § 292.8 of this chapter.

[Circ. 1661, 12 F. R. 7141]

### USE OF LANDS WITHDRAWN AS PUBLIC WATER RESERVES

§ 82.3 *Governing regulations.* Permission may be obtained to use or im-

<sup>1</sup> The lands were withdrawn and reserved as stated by Public Land Order No. 399 of August 20, 1947. Prior to that time the public lands in Alaska were affected by Executive Order No. 1324½ of March 28, 1911, as amended by Executive Order No. 1883 of January 24, 1914, which withdrew from settlement, location, sale or entry all tracts of public land in Alaska upon which are located hot springs or other springs, the waters of which possess curative medicinal properties, to the extent of 160 acres surrounding each spring, in rectangular form, with side and end lines equidistant, as near as may be from such spring or group of springs. See §§ 292.6, 297.9 and 297.19 of this chapter.